

117812

Wotherspoon

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

2-1139

FILE: B-206562

DATE: March 15, 1982

MATTER OF: American Medical Instrument Corporation

DIGEST:

Where bidder certifies that it will provide medical instruments made with steel from United States, it is bound to do so and bid is responsive in that respect. Protest that bidder will not supply instruments that comply with requirement is dismissed because it is a matter of contract administration for resolution by the contracting agency, not our Office.

American Medical Instrument Corporation (AMI) protests award of a contract for medical instruments to Medline Ind (Medline) under invitation for bids DLA 120-82-B-0538 issued by the Defense Personnel Support Center.

The solicitation required the use of steel from the United States in the manufacture of the instruments. Medline certified that it would use steel from the United States. AMI contends that Medline cannot provide instruments made with steel from the United States at the price it bid, and that its bid should be found nonresponsive to that requirement.

Medline certified that it would provide instruments made with steel from the United States, and it is bound to do so. Ohio Transmission and Pipe Company, B-194186, June 21, 1979, 79-1 CPD 442. Whether, in fact, the instruments delivered comply with the requirement is a matter of contract administration for resolution by the contracting agency and will not be considered here. Borg-Warner Health Products, Inc., B-187552, July 21, 1977, 77-2 CPD 42.

We dismiss the protest,

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel